

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
MAR 31 2010

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

UNITED STATES OF AMERICA,

Plaintiff,

v.

2 NORTH ADAMS STREET, etc., et al.,

Defendants.

Civil Action No. 08-2205 (RMC)

(ECF)
ELECTRONIC CASE FILING

DEFAULT JUDGMENT AND FINAL ORDER OF FORFEITURE

This matter came before the Court on the plaintiff's U.S. government's Motion For Entry Of
A Default Judgment And For Final Order Of Forfeiture. The Court has ^{resolved} ~~received no pleading in~~
^{the} ~~the~~ ^{see Dkt # 14; and} ~~opposition to plaintiff's motion; therefore,~~ before granting the requested relief, the Court has fully
examined this case's record.

On December 19, 2008, the plaintiff United States government commenced this civil action
in rem against what it identified as nine defendant properties, although some individual defendants
consist of more than one asset. Pursuant to 18 U.S.C. § 981, the government sought to forfeit the
defendant properties on the ground that they constituted the proceeds of fraud and money-laundering.
The complaint alleged the existence of unlawful operations in the nature of "Ponzi-style" or
"pyramid" schemes, which swindled many millions of dollars out of victims who had sent money
to the schemes' operators. In summary, the defendant properties are (a) two pieces of land with any
improvements; (b) about \$634,000 in funds from a bank account turned over to the government; (c)
three automobiles; (d) two items of recreational water equipment, including a boat and jet skis. plus

their motor and trailer; and, (e) computers and related electronic equipment.¹

This case, United States v. 2 North Adams Street, etc., et al., Number 1:08-cv-2205-RMC, is a companion to an another civil forfeiture action *in rem*, captioned United States v. 8 Gilcrease Lane, etc., et al., Number 08-cv-1345-RMC, which resulted in considerable litigation. In the course of the earlier action, the Court held hearings and entertained many, many pleadings from various parties and a very, very large number of would-be parties. The Court resolved all of the contested issues in that earlier case in a series of rulings issued during the latter half of 2008 and throughout 2009. Ultimately, the Court issued an uncontested partial order of forfeiture on July 24, 2009, and

¹ A more detailed break-down and description of the defendant properties is:

(1) the real property at the address of 2 North Adams Street, Quincy, Florida, plus any and all appurtenances and improvements thereon;

(2) the real property at the address 205 Cactus Street, Tallahassee, Florida 32304, plus any and all appurtenances and improvements thereon;

(3) about \$634,266.13 in funds that had been in an account at the Bartow County Bank, in the name of Golden Panda Ad Builder; Mr. Clarence Busby and Ms. Dawn Busby had voluntarily given the funds from this account to plaintiff's agents;

(4) a 2009 Lincoln MKS automobile, vehicle identification number (VIN) 1LNHM93R99G602546, registered in Florida to Bowdoin Harris Enterprises, Inc.;

(5) a 2008 Triton 20 foot Cabana boat, VIN TJZP1458B808, vessel number FL5752NU, along with a 2008 Mercury 90ELPT 4-speed motor, VIN 1B533883, and a 2008 Comfab boat trailer, VIN 5DKPB13168N019903, bearing Florida license 881LLS;

(6) two 2007 Bombardier GTISE jet skis, VIN YDV03674A707 and VIN YDV03669A707;

(7) a 2009 Acura TXS automobile, VIN JH4CU26689C006437, registered in Florida to Hays McDougal Amos;

(8) a 2008 Honda CRV automobile, VIN 5J6RE38738L003796, registered in Florida to Judy Shiver Harris and George Franklin Harris, III; and

(9) all computers and related equipment that law enforcement agents seized from 11-13 S. Calhoun Street, Quincy, Florida, on or about August 4, 2008, including equipment that the government returned, post-seizure, based on representations that the seizure of the equipment prevented legitimate advertising operations from occurring.

In the government's motion for entry of a default judgment and a final order of forfeiture, it included in the supporting memorandum a legal description of the two pieces of real property. It is incorporated by reference into this default judgment and final order of forfeiture.

entered a default judgment and final order of forfeiture on January 4, 2010.

In contrast to the "Gilcrease Lane" case, there is no record of any contested litigation in this action, United States v. 2 North Adams Street, etc., et al., Number 1:08-cv-2205-RMC. There are only ten numbered docket entries – and one of the most recent, "No. 8," is the clerk's entry of default on January 11, 2010, which occurred the same day that the government had filed an affidavit of default. Thereafter, the government filed its Motion For Entry Of A Default Judgment And For Final Order Of Forfeiture on January 27, 2010. Based upon the statements in the default affidavit, the reasons in the government's motion, and facts in the entire record herein, the Court finds that:

- (1) Process was fully issued in this action with respect to the nine defendants *in rem* and was returned according to law; the defendants were personally served with process on August 5, 2008, August 15, 2008, January 8, 2009, January 9, 2009, October 26, 2009, and October 27, 2009, and this is set forth in this the documents filed as docket entry number six;
- (2) Further, all notice by publication and to known potential claimants was properly given, as required by law;
- (3) On January 11, 2010, the Clerk of this Court entered a default for failure to file a claim with respect to the defendants *in rem* within the time permitted by 18 U.S.C. § 983(a)(4)(A); and,
- (4) No defense to the forfeiture of the defendants *in rem* remains or was interposed, and that a legal and factual basis for their forfeiture exists as set forth in the complaint and has been established before the Court since the filing of the complaint.

Now, therefore, on Plaintiff's Motion For Entry Of A Default Judgment And For Final Order Of Forfeiture, based upon these findings, the applicable law, and the entire record herein, it is by the Court

ORDERED, that the default of all persons interested in the nine defendants *in rem*, described above be noted, having been entered already; and it is further

ORDERED, that judgment in favor of plaintiff is hereby decreed and shall be entered by the Clerk of the Court; and it is further

ORDERED, ADJUDGED, AND DECREED that the nine defendants *in rem*, described more fully above in this order, and specifically being those proceeded against in the original complaint for forfeiture *in rem*, that is,

(a) two pieces of real property and any appurtenances and improvements being at the addresses of 2 North Adams Street, Quincy, Florida, and 205 Cactus Street, Tallahassee, Florida 32304;

(b) a total of \$634,266.13 in funds that had been in an account at the Bartow County Bank, in the name of Golden Panda Ad Builder; and which Mr. Clarence Busby and Ms. Dawn Busby voluntarily relinquished to government agents;

(c) three automobiles;

(d) two items of recreational water equipment, including a boat and jet skis. plus their motor and trailer; and,

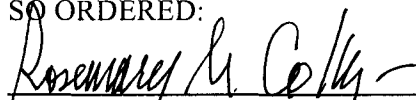
(e) all computers and related equipment that law enforcement agents seized from 11-13 S. Calhoun Street, Quincy, Florida, on or about August 4, 2008,

be and the same **HEREBY ARE DECLARED FORFEITED TO THE UNITED STATES OF AMERICA**, and title to the defendant properties is vested in the United States, to be disposed of in accordance with law; and that no right, title, or interest in the defendant properties shall exist in any other party.

The Clerk of the Court is hereby directed to send four certified copies of this Default Judgment And Judgment of Forfeiture to plaintiff's counsel of record.

Dated this ³⁰~~29~~ day of ^{March}~~February~~ 2010.

SO ORDERED:



ROSEMARY M. COLLYER
UNITED STATES DISTRICT JUDGE